Albania

by Besfort Lamallari

Capital: Tirana
Population: 2.89 million
GNI/capita, PPP: US$10,980

Source: World Bank World Development Indicators.

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NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. If consensus cannot be reached, Freedom House is responsible for the final ratings. The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year. The opinions expressed in this report are those of the author(s).
EXECUTIVE SUMMARY

Throughout 2015, Albania went through a series of reforms and law enforcement operations aimed at strengthening the rule of law and bringing the country closer to the European Union (EU). While the ongoing justice reform and regulatory enforcement are considered critically important, several fiscal policies and operations have raised concerns about their severity, efficiency, and sustainability. The country aspires to start accession negotiations with the EU soon, but the integration process will move forward only if Albania makes tangible progress in the fight against organized crime and corruption.

Justice reform was high on the agenda in 2015, and the coalition government relied on international and national expertise for a thorough enterprise. The opposition boycotted the sessions of the parliamentary committee on reform until July, but joined the talks after the government granted its members parity on the committee. In December, the parliament adopted a so-called decriminalization law banning convicted criminals from holding public office, which is expected to boost the fight against corruption and restore public confidence in institutions.

The new administrative and territorial reform, adopted in 2014, replaced the 373 preexisting municipalities and communes with only 61 newly established municipalities. The government proclaimed that the reform will benefit the new municipalities by increasing their administrative and financial capacities. Decentralization is set to start next year, and only then it will be possible to evaluate the reform’s impact in practice.

Albania’s new territorial organization was already in place when the country held local elections in June. Despite some isolated incidents and irregularities, the process was generally peaceful and orderly, an improvement from previous elections. Election day and the vote counting process were calm and without the acts of violence that usually accompany elections in Albania. Concerns about vote buying, group voting, and allegations of political pressure, however, persisted. These long-standing concerns, as well as nontransparent and ineffective campaign finance regulations, remained unaddressed at year’s end.

The left-wing government launched extensive operations against tax evasion and the informal economy, which have long been a burden to honest taxpayers and obstacles to economic development. Illegal constructions continued to be demolished. In support of its operations, the government decided to toughen several fiscal and criminal penalties, an approach that raised concerns about the severity of punishments for relatively minor offenses and their potential effect on economic growth.

The government sustained its commitment to tackling the disturbing phenomenon of widespread cannabis cultivation. Since June 2014, when the police launched an operation in the village of Lazarat, anticannabis operations have expanded throughout the country. While these operations have boosted public trust in the police, investigations and convictions of key actors in the trafficking chain remain rare.

The political bias of TV stations was especially visible during the last elections. Television remains the primary source of political information, but the commercial and political interests of outlets’ owners often influence reporting. Self-censorship and conformity jeopardize editorial independence and the pluralism of viewpoints. While some investigative journalists report with integrity and courage, in a country with pervasive corruption and elite impunity, they remain the exception.

Generally, the politicization of almost every issue and political figures’ frequent exchange of personal accusations has diverted public attention from important topics, such as the social and economic welfare of citizens, their political representation, and the quality of justice. Political wrangling has also hampered the fulfillment of key integration priorities that would enable Albania to open accession negotiations with the EU.

Score Changes:
Electoral Process rating improved from 4.00 to 3.75 due to the improved tone of campaigning, a peaceful election day, and a relatively quick count free of major irregularities during the June local elections. No serious incidents or acts of violence occurred.

Independent Media rating declined from 4.00 to 4.25 due to editorial restraint and the dismissal of investigative journalists. Private and political interests continue to dominate media, as epitomized by the so-called Blue Lagoon case.

As a result, Albania’s Democracy Score remained 4.14.

Outlook for 2016: Almost three years after taking office, the government sustained its drive for crucial reforms and country-wide operations. Judicial reform will remain a top priority and the government will seek a cross-party consensus for a sustainable outcome. The decentralization process is set to start at the beginning of 2016. Law enforcement will continue to carry out major operations, which are expected to improve the rule of law and benefit the state budget. The European Commission is expected to make a decision on accession negotiations in October 2016 based on Albania’s fulfillment of key remaining integration priorities.
The December 2014 political agreement that ended the five-month Democratic Party (PD) boycott of the parliament restored parliamentary debate, but the political environment remained sharply polarized between the opposition PD and the governing coalition of the Socialist Party (PS) and the Socialist Movement for Integration (LSI). The ruling left-wing coalition reaffirmed its political primacy in June 2015, winning 45 out of 61 mayoral seats in the local elections. Following a pre-election agreement with the left in March, the Justice, Integration, and Unity Party (PDIU) secured three mayoral seats in June and entered government in October, appointing Halil Hyseni as deputy minister of foreign affairs.

During 2015, the parliament lifted the immunity of three MPs who had been accused of serious charges, including false murder plot claim, intentional serious injury, and murder. Additionally, a former minister of education was charged with abuse of office in October; and another MP was accused of destruction of property and illegal construction.

Throughout the year, the ruling majority and opposition MPs engaged in a heated debate over barring persons with a criminal record from holding public office (the so-called decriminalization law). MPs also debated the “CEZ-DIA affair,” in which the Balkan Investigation Reporting Network (BIRN) claimed that assembly speaker Ilir Meta had received bribes from Kastriot Ismailaj, the owner of DIA, a private company that former power distributor CEZ Shpërndarje hired to collect unpaid electricity bills. On December 8, the opposition PD used the 25th anniversary of a student protest against the communist regime to organize a demonstration against rampant corruption by the government. The rally became disorderly, with protesters throwing cobblestones ripped from the street at the prime minister’s office and setting fire to a bunker.

The government sustained its commitment to justice reform, and tackling informality, tax evasion, electricity theft, and the widespread cultivation of cannabis. Higher taxes on tobacco, fuel, and corporate profits, however, failed to increase government revenues as planned. In response to pressure from falling fiscal revenues and high public debt, the government launched a massive operation against tax evasion and informality in September. In less than two weeks, inspectors carried out more than 36,000 controls throughout the country, while 20 percent of visited businesses had closed to avoid undergoing controls. In the wake of these operations, more than 33,000 businesses formally registered at the National Registration Center; tax receipts issued on purchases increased by 57 percent; and businesses’ turnover subject to taxation grew by 40 percent over the same period of the preceding fiscal year. This amounted to an additional €11 million ($12 million) in revenue, but the public debt still stood at 73.6 percent of GDP. On November 5, the government sold a five-year €450 million Eurobond, allowing Albania to replace its inaugural debt of €300 million Eurobond which matured one day ago.

These operations are indispensable for a country where both regulatory enforcement and corruption score in the lowest tertile in the World Justice Project’s Rule of Law Index. However, experts have voiced criticism about the severity of punishment for some relatively minor violations, the operations’ sustainability, and their adverse impact on economic growth and initiative. Enforcement of the highly criticized amendments to the law on fiscal procedures, which envisage harsher fines and penalties on businesses, was suspended in December by a Constitutional Court decision. While these operations have covered mainly small businesses, there has also been skepticism about how much they are going to affect big tax evaders with strong economic and political connections.
In April, the government approved a strategy for public administration reform for 2015–2020. The media reported in June that the Ministry of Finance allocated ALL1.6 billion ($12 million) to compensate for unfair dismissals from the public administration over the past years. Some online outlets listed people whose employment was allegedly facilitated by ministers and majority MPs.

Albanians ranked second only to Syrians in asylum applications to Germany, with 54,762 Albanians seeking asylum in 2015, a 575 percent increase over 2014. Albania also ranked first in Europe in applications to the American visa lottery, with a 2015 record of nearly 200,000 applications in total. Albania’s high unemployment rate of 17 percent of the total labor force and 33.2 percent of youth contributed to Albanians’ strong urge to emigrate.

Electoral Process

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On June 21, around 3.3 million citizens were called to cast their vote for 61 mayors and 1,595 local councilors. These elections were the first to be held following the territorial and administrative reform that replaced Albania’s 373 preexisting municipalities and communes with 61 newly established municipalities. To reflect the new boundaries, the government made amendments the Electoral Code in April.

In total, 63 political parties were registered for the elections, and most of them competed as part of one of the two large coalitions. Several political parties promoting national and cultural minorities’ platforms ran with some success. Of the 158 mayoral candidates, 14 contested independently, and 16 were women. The European Union (EU) Delegation to Albania and the U.S. Embassy in Tirana called on political parties to exclude and withdraw from their lists candidates suspected of having a criminal record. Subsequent calls aimed at constituents also encouraged them to reject these candidates.

The ruling majority coalition won 45 mayoral seats, a distinct preponderance compared to the 15 winning candidates of the right-wing coalition. The voter turnout was 48 percent, which is lower than the 50.5 percent reported in the 2011 local elections. The decline may reflect public discontent with established political forces and their appointed candidates, some of whom had possible criminal records.

Overall, these elections were free of the serious incidents and acts of violence that had usually accompanied elections in Albania. Despite some isolated incidents and irregularities, the campaign, voting, and counting were generally orderly, lawful and within the bounds of freedoms of expression and assembly. Owing to the new 50 percent gender quota requirement set in the Electoral Code following its April amendment, the percentage of female mayors increased significantly, from 1.31 percent after the 2011 local elections to 14.7 percent. While in the past, female candidates were placed at the bottom of the lists in unwinnable positions, the new amendment requires gender alternation in every second name, which resulted in 49.4 percent of municipal council candidates being women. Overall, the Central Election Committee (CEC) operated more openly and effectively than during the 2013 parliamentary elections, when its performance was highly unsatisfactory. However, politicized discussions still led to inconsistent decision making.

Domestic and international election monitoring organizations have raised concerns about vote buying, group and proxy voting, allegations of pressure on voters, politicization of electoral institutions, and political bias of media outlets. The mayoral race in Vorë was fiercely contested due to allegations of intimidation of supporters of the right-wing candidate by LSI.

A number of smaller parties and independent candidates expressed concerns, among other things, about the very limited media coverage they received and lack of access to the vote count. The media...
did not respect the legal requirement for equitable news coverage, and all monitored TV outlets favored one of the two largest parties in their campaign coverage.\textsuperscript{34}

- Toward the end of the year, political parties debated adopting a majority bonus electoral system, which assigns extra seats to the winning party to provide government stability.\textsuperscript{35} In December, parliament decided to establish an ad hoc parliamentary committee on electoral reform, tasked with addressing the recommendations of the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODHIR) final report, including the need to reform electoral laws, improve the quality of the process, and tackle related corruption.\textsuperscript{36}

**Civil Society**

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- Albania has made good progress in establishing an institutional framework for civil society cooperation, and cooperation between state institutions and nongovernmental organizations (NGOs) has improved.\textsuperscript{37} In May, the government approved a roadmap that sets out nine priority areas for building an environment conducive to civil society activity. In November, parliament enacted a law to set up the National Council for Civil Society, a consultative body that will assist the government in designing policies related to civil society development.\textsuperscript{38} Civil society representatives have seats in the National Council for European Integration, a structure designed to aggregate the national consensus on EU integration.\textsuperscript{39}

- The government has also consulted the sector on important reforms, including the overhaul of the judiciary.\textsuperscript{40} It is still not clear, however, how and to what extent NGO opinions are reflected in final legal drafts. The law on public notification and consultation entered into force in May, and the parliament ratified a charter on civil society already in December 2014. According to a September OSCE report, however, the civil sector remained largely weak and politicized.\textsuperscript{41}

- Financial viability is the most pressing concern for NGOs in Albania, which depend mostly on foreign donor grants for funding.\textsuperscript{42} Although the new law on value added tax (VAT) entitles NGOs to obtain VAT reimbursement on Instrument for Pre-Accession funded grants, no such reimbursement has materialized in practice.\textsuperscript{43}

- In September 2014, a Muslim girl was banned from attending school for wearing a headscarf. In January 2015, the commissioner for protection from discrimination found that the girl had faced direct discrimination due to her religious beliefs and ordered school authorities to allow her to continue schooling.\textsuperscript{44}

- Roma and Egyptians continue to face eviction and encounter daily barriers in accessing public services.\textsuperscript{45} In July, in advance of the construction of the Tirana ring road, up to 70 Romany and other families were evicted and had their homes demolished by the National Inspectorate for the Protection of Territory.\textsuperscript{46} Although the government provided a two-year rental subsidy to several evicted families and opened a new Emergency Transitory Centre for 41 Roma and Egyptian families, civil society and Roma activists expressed concerns about the authorities’ failure to properly notify them.\textsuperscript{47}

- Students and professors from the University of Tirana have protested several times against the new higher education law passed by the parliament in July.\textsuperscript{48} Calling the approved bill a sell-out to private sector interests at the expense of public universities, students of the ‘Për Universitetin’ (For the University) movement egged Prime Minister (PM) Rama’s vehicle in November, and the vehicles of the minister of health and general secretary of the ministry of education earlier in September.\textsuperscript{49}
Independent Media

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- MPs proposed two controversial legal initiatives concerning media pluralism and freedom of expression in 2015. A PS deputy proposed revoking an article in the media law that restricts media concentration and cross-ownership. The proposal was rejected in November. The second initiative, aimed at filtering online comments and came from a DP deputy in April, but it was yet to pass in parliament at year’s end.

- In November, amendments to the criminal code were submitted to the Assembly with the aim of restoring prison sentences for defamation against senior public and elected officials. The amendments were shortly withdrawn following strong domestic and international reactions. Libel and defamation are still considered criminal offenses and are punishable with large fines.

- A recent study revealed that links between media, business, and politics have generated censorship and self-censorship among journalists. The defiance of editorial orders cost Spartak Koka, a bold investigative journalist, his job at News 24 TV. Before his dismissal on October 26, he was investigating a murky case concerning the so-called taxation server scandal. In September, journalist Basir Çollaku claimed that the government had censored parts of his video interview with the former chief of the police’s anticrime unit in Fier. News 24 TV broadcast only the first part of the interview, but the journalist published the full transcript on his Facebook profile. The second segment was screened two days later by PD.

- In early November, the privatization of sport courts at the Blue Lagoon resort by Klan TV’s owner, along with a construction permit issued to him and to a business leader in 2014, fueled a heated debate among several journalists. The journalists hurled accusations of political favoritism along with suspicions of a speedy trial, which had concluded within 20 days and allowed transfer of ownership. This efficiency was indeed surprising given the standard of lengthy and delayed court proceedings in Albania.

- In June, the Tirana District Court ordered the seizure of five companies, including the Agon Channel owned by Italian entrepreneur Francesco Becchetti. In a separate case, Becchetti was accused of money laundering and fraud-related offenses. Former PM Sali Berisha—whose cabinet in 2007 used taxation authorities to impose a €12 million ($14 million) fine on Top Channel, a highly critical outlet at the time—called this a political attack against critical media.

- In May, the new steering board of public service broadcaster RTSH was finally elected following a long parliamentary impasse. Several attempts by the board to elect senior management have failed, miring the new board in yet another deadlock.

- Several journalists faced threats to their lives and attacks. In May, two TV reporters who were investigating illegal logging were chased and shot at by armed wood smugglers in the rural areas of Librazhd. A female reporter for Gazeta Shqiptare who has covered the recruitment of Albanian citizens to fight alongside ISIS in Syria received life-threatening messages from an alleged Islamic militant. In June, the mayor of Elbasan was caught on video telling local reporters not to ask him any difficult questions and reminding them of potential consequences.

- More than 60 journalistic organizations are registered in Albania, but only a few of them voice journalists’ concerns and they have little impact. According to the Albanian Union of Journalists, most journalists work undeclared, and only four out of 23 daily newspapers and 10 out of 72 TV stations disburse salaries on time.
Local Democratic Governance

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- Albania passed a new bill on local self-government in December. According to the minister of local issues, the bill envisages 17 new local government functions out of 56 in total. The April amendments to the law on the organization and functioning of local government stipulate the establishment of administrative-territorial units as extensions of the municipal administration, thus endowing mayors with more centralized control over their respective municipalities. Indeed, these units are chaired by administrators who are “hired and released of duty by the mayor at his own discretion,” which places them in a subordinate position. Additionally, a new decentralization strategy for 2015–2020 was approved in July. The decentralization process is set to start in 2016.

- On June 16, the Constitutional Court decided to override a decision of the National Council of Territory (KKT) that suspended the granting of building permits until the establishment of new local governments following the June 21 elections. The court found the decision to be a violation of the constitutional principles of decentralization and local autonomy, as well as those set forth in the European Charter of Local Autonomy. Prior to its verdict, the court had already suspended the KKT’s decision in January.

- Local governments are free to set their budgets and allocate resources, however, administrative expenses of smaller government units have been increasing, and personnel expenses are likely to take the largest share of their budgets. A number of local governments have failed to collect revenues and provide services efficiently.

- Some municipality council decisions have given rise to concerns about transparency and accountability. One example was the Vlora Municipality Council’s decision, which granted a 15-year parking concession to private companies. Although the council made the decision in October 2014, it only became known to the public six months later. In June, the Supreme State Audit recommended annulment of the contract and invalidation of the council’s decision. A BIRN investigation revealed that the December 30 decision of the Tirana Municipality Council to increase the price of public transport bus service ticket by one third was nontransparent and without convincing arguments in support of the price hike, which will weigh directly on household budgets.

- Fifteen former and current mayors were sued for abuse of office during the year. Most of them are accused of unlawful issuance of construction permits, failure to act for the demolition of unlawful constructions, violation of equality in tenders, and refusal to declare income.

Judicial Framework and Independence

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- The justice system in the country falls short of Albanians’ confidence due to perceptions of endemic corruption, limited accountability, and the attitudes of judges and prosecutors. Based on national and international expertise, the country has been pursuing a crucial reform of the justice system. In June, group of high-level experts completed an analytical report identifying the main concerns of the judicial system, which was followed a month later by a strategy and an action plan paving the way for
reform. The opposition boycotted the meetings of the ad hoc parliamentary committee on judicial reform for seven months, until the ruling majority agreed to the opposition’s condition of parity of the committee’s members in July. Upon request of the ad hoc parliamentary committee, and following PD and LSI’s comments on the draft constitutional amendments, in December the Council of Europe’s Venice Commission issued an interim opinion which supported the reform. While it acknowledged that the amendments represent a solid basis for further work, the interim opinion included several important recommendations, such as the clarification of disciplinary measures against its judges; the reconsideration of the justice minister’s role; and the establishment of an anti-deadlock mechanism for the election of the prosecutor general.

- The high court and the administrative court have reported a considerable backlog of cases. The former is now reviewing cases registered in early 2014, and the latter’s backlog has exceeded 25,000 cases. Failure to enforce final court decisions has resulted in a higher number of cases filed in the Constitutional Court. Albanians also submitted more than 50 applications to the European Court of Human Rights (ECtHR) in 2015, most of which were related to delayed proceedings.

- Between March and April 2015, Albania paid around ALL1.2 billion ($9.7 million) as compensation for outstanding cases brought against the Albanian state at the ECtHR. Given the large number of property-related cases filed in the court and concerns about the compensation mechanism, the ECtHR decided in November 2014 to adjourn proceedings on all new applications for a period of 18 months. In December, Albania passed a new property bill aimed at solving the longstanding issue of property restitution and compensation within 10 years, but the president shortly returned it for reconsideration.

- With the aim of overcoming the stalemate between the president and parliament in appointing judges to the Supreme Court, Albania passed a set of amendments to the high court law in December 2014. The amendments establish a consultative council to assist the president in selecting the candidates for high court judges. The president’s office and the opposition described them as an encroachment on the president’s competencies. Failure to appoint judges in some district courts has resulted in delayed court proceedings and increased backlogs.

- The inspector for monitoring assets and conflicts of interest referred 12 judges for prosecution, including the head judge of the Tirana Appellate Court over assets declaration-related offenses and suspicions of money laundering. BIRN estimated that in the past 10 years, 25 judges of the Appellate Court of Tirana had collectively carried out real estate transactions worth more than €5 million.

- Overcrowding in prisons and detention centers remains a problem, with prisons reported at around 30 percent over capacity. While blaming the government’s harsher penalties for driving offenses and electricity theft, the ombudsman called on judges to respect the criminal procedure code and refrain from using pretrial detention for minor offenses.

- In March, the administrative court ruled indemnification for one of the families of the victims of a deadly blast in the village Gërdec in 2008. The lawsuit of Durdaj’s family was the first to be accepted and redressed with financial compensation of ALL 32 million ($260,000), while 17 other lawsuits from other victims’ families are still pending. Delayed proceedings have also affected another high-profile trial concerning the killing of four protesters in the 21 January 2011 riots. Five years later, three out of the four killings perpetrated on that day were still pending judicial review in front of the Supreme Court, which again failed to set a date for the first hearing. Prosecutors’ investigation into the fourth killing continued.

**Corruption**

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In December 2015, one year after the cross-party agreement that restored parliamentary debate and placed special focus on the issue of removing persons implicated in a crime from public office, the assembly approved the so-called decriminalization law and the constitutional amendments necessary for its enforcement. The changes are expected to bolster the fight against corruption and enhance integrity among public officials. The government also adopted a new anticorruption strategy and action plan, and in December approved a draft law on the protection of whistleblowers. To enable citizens to report cases of corruption, Albania also launched a national anticorruption portal and a mobile phone application, Digital Commissariat. In April, the Constitutional Court repealed amendments establishing a National Bureau of Investigation to fight corruption and related crimes, ruling that the changes are redundant of the prosecution’s competencies for criminal investigation.

The country continues to struggle with the impunity of political and economic elites due to unclear jurisdiction over corruption offenses, especially for the highest state officials; lack of follow-up in cases referred to the prosecution, political influence, corruption, and lack of integrity among judges and prosecutors. The inspector for monitoring assets and conflict of interest referred 6 MPs, 12 judges, and 2 prosecutors for prosecution in 2015. Some of the MPs were charged with concealing income, fictitious contracts and bank transfers, in some cases worth between €1.5 and 14 million. Two MPs resigned ahead of the adoption of the decriminalization bill. Prosecutors also received referrals from the High State Audit for cases of abuse of office or public tenders, but very few were investigated and none resulted in a conviction.

In May, two former employees of the Bank of Albania (BoA) accused of stealing ALL 713 million ($6.5 million) were sentenced to 10 and 20 years in prison, respectively. Ten other former bank employees had earlier received sentences of about one year each in the same case. Unlike his subordinates, former BoA governor Ardian Fullani was acquitted of both charges against him: abuse of office concerning the treasury theft and violation of procedures in the purchase of Dajti hotel in Tirana.

A leaked OSCE document naming Albanian politicians who are accused of corruption and of ordering murders attracted broad media coverage in September. Following a public shock and a strong reaction from the political establishment, the head of the OSCE presence in Albania, Ambassador Florian Raunig, argued that the document was merely a collection of reports from the media and speculations circulating in public, and that it did not represent the OSCE’s official point of view. A BIRN investigation into the CEZ-DIA affair, which involved bribery allegations against assembly speaker Ilir Meta, received just as much attention. In October, the parliament dismissed a proposal for an international investigation into this issue in a vote of 54 to 50.

In December, both the Prosecution Office for Serious Crime and Prosecution Office of Tirana launched separate investigations into concessions agreements signed by the Ministry of Health. These include a hemodialysis agreement worth $86 million, a $100 million bid for the sterilization of surgical instruments, and a $140 million concession for free annual check-ups. These concessions have made Minister of Health Ilir Beqaj the subject of incessant accusations from the opposition and investigative media.

By August, a country-wide anticannabis operation had resulted in the eradication of 487,000 cannabis plants and the arrest of more than 250 people. Most of those arrested were local planters and workers, however, and not key people in the drug trade.

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63 “Kërcënohen dy gazetarë në Librazhd, Agim Blloshmi: Jam fshehur në pyll. Policia: Nuk janë lënduar, po hetojmë” [Two journalists threatened in Librazhd, Agim Blloshmi: I am hiding in the forest. Police: They are not


66 The figure of 60 journalistic organizations is taken from a letter sent by the Central Election Commission to the Albanian Union of Journalists (UGSH), cited in a UGSH Facebook post, 3 May 2015, https://www.facebook.com/UnioniGazetareveShqiptare/posts/890900557622335

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69 Law No. 30/2015 “On Some Additions and Amendments to the Law No. 8652, dated 31 July 2000, ‘On Organization and Functioning of Local Governance’”


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81 News on mayors accused during 2015 accessed at http://www.hidaa.gov.al/?lang=sq. Despite the significant number of mayors referred for criminal prosecution by the Inspector of Assets and Conflict of Interest, Albania’s poor track record for elite convictions is attributed to the poor work of the Prosecution Office and endemic corruption in the justice system.


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